

ATTORNEY DOCKET NO. 60188-127
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nobuyo SUGIYAMA, et al.

Serial No.: 10/003,434

Filed: December 6, 2001

For: NONVOLATILE SEMICONDUCTOR MEMORY
DEVICE AND MANUFACTURING METHOD THEREOF

)
) Group Art Unit: 2826

)
) Examiner: KEVIN V. QUINTO

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ELECTION UNDER 35 U.S.C. § 121

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement set forth in the Office Action mailed August 26, 2002, having a shortened statutory period for response set to expire September 26, 2002, wherein the Examiner required restriction between Group I - claims 1-12, drawn to a nonvolatile semiconductor memory device and Group II - claims 13-21, drawn to a nonvolatile semiconductor memory device manufacturing method, Applicants elect without traverse Group I, claims 1-12 for initial prosecution on the merits.

Applicants also reserve the right to file a Divisional Application for the non-elected claims 13-21, which the Examiner has indicated is patentably distinct.


Applicants believe that no extension of time is required. However, this

conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 9/26/02

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